



April 20, 2021

To: Mayor Ezzy Ashcraft and Members of the Alameda City Council

From: Andrew Thomas, Planning Building and Transportation Director

Re: Public comments regarding Environmental Review of Central Avenue Safety Improvements

Since publication of the staff report, the City Council and staff have received questions regarding the City of Alameda's determination that the Central Avenue Safety Improvement Project Final Concept is categorically exempt from the California Environmental Quality Act (CEQA).

Staff has carefully reviewed the comments received and has concluded that the determinations and conclusions documented in the staff report remain valid and that the proposed safety improvements to the existing right of way to protect the health and safety of the Alameda community are categorically exempt. For the record and in response to the comments received since publication of the staff report, staff has reconfirmed, based on substantial evidence, that the project is exempt from further environmental review for the following reasons:

CEQA Guidelines Section 15301 Existing ("Class 1") Facilities. The staff report correctly referenced Section 15301 Existing Facilities, which states the repair or modification of an existing public facility or road is categorically exempt from further review. As stated in CEQA section 15301: (emphasis added)

"Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, ***involving negligible or no expansion of existing or former use***. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. ***The key consideration is whether the project involves negligible or no expansion of use.***"

Section 15301 states that examples of Class 1 exemptions include but are not limited to:

"(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), ***and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lane***;"

The Central Avenue Safety Project is a modification of an existing facility with no expansion of use. The project adds bicycle facilities, including bicycle lanes, pedestrian crossings, street trees, and other similar

alterations, which is a type of project cited in CEQA Guidelines Section 15301 as an example of a type of project eligible for the Class 1 exemption. The project does not create additional automobile lanes.

CEQA Guidelines Section 15304. Minor Alterations to Land. (“Class 4”) facilities. The staff report correctly referenced Section 15304, which as stated in the CEQA Guidelines includes projects such as:

“(h) The creation of *bicycle lanes on existing rights-of-way.*”

The Central Avenue Safety Project is creating bicycle lanes on an existing right of way.

CEQA Guidelines Section 15183. Projects Consistent with a Community Plan, General Plan or Zoning.

The project is consistent with Transportation Element policies in the General Plan because the Transportation Element lists Central Avenue as a transit priority street, a bicycle priority street, and a truck route, in school and recreation zones and as an island arterial, and lists other priorities that are addressed in the Central Avenue concept such as multimodal, safety, and environmental improvements and considering needs for individuals with disabilities.

A finding that a particular project is consistent with the general plan requires only that the project be “compatible with the objectives, policies, general land uses, and programs specified in” the applicable plan. Gov. Code 66473.5 (emphasis added). Courts have interpreted this provision as requiring a project to be “in agreement or harmony with the terms of the applicable plan, not in rigid conformity with every detail” of it. *San Francisco Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 678. In addition, courts give great deference to a local agency’s determination of consistency with its own general plan, which can only be reversed if based on evidence that no reasonable person could have reached the same conclusion. *Id.* at 677-678.

Vehicle Miles Traveled (VMT). Since publication of the staff report, the Council and staff received comments arguing that the proposed safety improvements, including the proposed roundabouts and the cul-de-sac at Sherman Street, would result in an increase in VMT and therefore would have a significant transportation impact on the environment.

The safety improvements and the roundabouts would not result in an increase in VMT or an associated significant transportation impact for the following reasons:

1. The project is designed to support, improve, and increase bicycle, pedestrian, and transit modes of transportation in Alameda. Increasing bicycle, pedestrian, and transit mode share **will decrease VMT.**
2. The proposed project reduces congestion and reduces travel time for vehicles along the corridor. Reducing congestion and travel time will reduce automobile congestion and idling at stop lights, which will **reduce greenhouse gas emissions and reduce VMT.**

State Guidance on VMT. The staff findings are supported by the *State of California Office of Planning and Research* Technical Advisory on Evaluating Transportation Impacts in CEQA. The OPR Advisory lists the types of projects that would not lead to an increase in vehicle travel. That list includes:

- Timing of signals to optimize vehicle, bicycle, or pedestrian flow
- *Installation of roundabouts* or traffic circles
- Installation or reconfiguration of traffic calming devices
- Removal or relocation of off-street or on-street parking spaces

- Adoption or modification of on-street parking or loading restrictions (including meters, time limits, accessible spaces, and preferential/reserved parking permit programs)
- Rehabilitation and maintenance projects that do not add motor vehicle capacity
- Addition of new or enhanced bike or pedestrian facilities on existing streets/highways or within existing public rights-of-way
- Addition of Class I bike paths, trails, multi-use paths, or other off-road facilities that serve non-motorized travel

Sherman Street Cul-de-Sac. The proposed roundabout at Sherman would create a 530 foot long cul-de-sac with approximately 20 homes. When the residents of these 20 homes wish to drive to a destination to the north, such as the City of Oakland or other points north, they will need to drive 500 feet or less to the nearest intersection, then approximately 250 feet to the next nearest intersection to access the adjacent parallel road which provides access to the north. For these trips, the proposed redesign, adds approximately 1,000 feet or less to their trip. Likewise, on the return trip, 1,000 feet or less would be added to the trip distance.

The minor increase in vehicle miles traveled by these 20 residents on their northbound trips will be more than off-set by the reduction in VMT generated by thousands of residents that live adjacent to or in the vicinity of the 1.7 mile length of the Central Avenue Safety Improvement area. For example, if just 20 parents choose to allow their children to bicycle to one of the two schools on the corridor as the result of the proposed bicycle safety improvements instead of driving their children to school each day, the decisions of those 20 parents alone would off-set the travel distance increases from the 20 residents on Sherman. Similarly, if only 20 residents choose to ride their bike to the ferry terminal each week day, instead of driving the ferry terminal, the resulting reduction in VMT would more than off-set the increase in travel distance from the 20 residents.

Conclusions: In conclusion, staff has reconfirmed and continues to recommend that the proposed Safety Improvements will support mode changes to more environmentally friendly transportation modes, reduce vehicle miles traveled, reduce greenhouse gas emissions, and save lives. Staff continues to recommend that the City Council find that the project is categorically exempt from further environmental review, and that none of the exceptions in CEQA Guidelines section 15300.2 to the categorical exemptions apply, based upon the information provided in the staff report and in this memorandum.